

SOUND TRANSIT BOARD MEETING
Summary Minutes
September 24, 2009

Call to Order

The meeting was called to order at 1:34 p.m. by Chair Greg Nickels, in the Ruth Fisher Boardroom, 401 South Jackson Street, Seattle, Washington.

Roll Call

Chair

(P) Greg Nickels, City of Seattle Mayor

Vice Chairs

(A) Aaron Reardon, Snohomish County Executive

(P) Claudia Thomas, Lakewood Councilmember

Boardmembers

(P) Julie Anderson, Tacoma Deputy Mayor

(P) Mary-Alyce Burleigh, Kirkland Councilmember

(P) Fred Butler, Issaquah Deputy Council President

(P) Richard Conlin, Seattle Council President

(P) Dow Constantine, King County Council Chair

(P) David Enslow, City of Sumner Mayor

(P) Paula Hammond, WSDOT Secretary

(P) John Marchione, City of Redmond Mayor

(P) Joe Marine, City of Mukilteo Mayor

(P) Pat McCarthy, Pierce County Executive

(A) Julia Patterson, King County Councilmember

(P) Larry Phillips, King County Councilmember

(P) Paul Roberts, Everett Councilmember

(P) Kurt Triplett, King County Executive

(P) Peter von Reichbauer, King County Councilmember

Ms. Marcia Walker, Board Administrator announced that a quorum of the Board was present at roll call.

Report of the Chair

- Rainier Valley Noise Mitigation and Motion No. M2009-77 have been added to the agenda.
- Resolution No. R2009-19 requires a two-thirds affirmative vote of the Board and would be considered when the required number of members arrived.
- The Board's Rules and Operating Procedures allow Boardmembers to request to participate in meetings by telephone. Requests are ruled upon by motion. Boardmember Peter von Reichbauer has requested to participate by telephone.

It was moved by Boardmember Butler, seconded by Vice Chair Thomas, and carried by the unanimous vote of all members present that Boardmember von Reichbauer be allowed to participate in the Board meeting by telephone.

- An executive session would be held at the end of the meeting.

Chief Executive Officer's Report

- On September 19, 2009, all local transit agencies began service changes. Sound Transit's service changes were limited to increases in midday and weekend service on ST Express routes serving Snohomish County and East King County. King County Metro began their first round of major service changes related to Link light rail.

2010 Budget

The Proposed 2010 Budget format is different from prior years' budgets. It includes annual Service Delivery, Capital Project Delivery, and Agency Administration budgets.

2009 agency accomplishments: launched Central Link light rail service, added a ninth Sounder round trip to the south corridor, expanded ST Express bus service, rolled out ORCA smart card, began construction on the Mountlake Terrace Freeway Station, broke ground on the Kirkland Transit Center, and completed the City of Newcastle transit improvements.

The Proposed 2010 Budget integrates recommendations from the Board, the Citizen Oversight Panel, and the Transit Operations Task Force. The Proposed 2010 Budget is compliant with Sound Transit financial policies and subarea equity. The importance of monitoring operating costs increases as Sound Transit becomes more of an operating agency.

Proposed expenditures are \$945.9 million, and are divided into three sections - Service Delivery, Project Delivery, and Agency Administration.

The Proposed 2010 Service Delivery Budget totals \$188 million compared to \$157.8 million in the 2009 Service Delivery Budget. The increase includes a full year of Central Link service to SeaTac International Airport, the thirteenth Sounder round trip, 38,000 hours of new ST Express Service, and ORCA. Sound Transit forecasts 25 million boardings in 2010, a 55% increase over 2009, mostly attributable to Link light rail. Base costs are down \$5.3 million due to lower fuel costs and improved system productivity and efficiency.

The Proposed 2010 Capital Project Delivery Budget totals \$622 million. Projects include U-Link construction, alternatives analysis for North and South Link, continuing work on East Link, construction of the Sounder M Street to Lakewood, the Mountlake Terrace Freeway Station, the Kirkland Transit Center, and stages two and three of the I-90 Two-Way Transit and HOV Access project.

The Proposed 2010 Agency Administration Budget totals \$135 million and covers staff activities outside of direct operations including the transit oriented development program, STart program, computers, furniture, and non-operational expenses including debt service. The total cost for staff is \$72.2 million, a 10.35% increase over the Adopted 2009 Budget. The increase includes 39 new FTEs. Sound Transit is entering year two of an intensive 15-year program. The new staff will support ramp-up for ST2 projects, new facilities, ORCA, and expanded customer relations.

The total revenue for the Proposed 2010 Budget is \$794 million. Cash reserves and bonds will cover the funding gap. The 2010 sales tax revenue totals \$531.4 million, representing the first full year of nine-tenths of one percent sales tax. The remaining revenue comes from MVET, federal grants, and fares. Sound Transit staff is looking at bringing a fare increase to the Board for consideration in 2010.

Revenues are 15 to 20% less than forecasted in the financial plan. The latest revenue forecast from Dick Conway and Associates will be included in the next financial plan and presented to the Board in late October or early November. Sound Transit has already taken steps to respond to the recession by cutting staff salaries and nonessential travel.

The budget review process will continue through the last Finance Committee meeting in November. The Finance Committee will then make recommendations to the Board for consideration at the December meeting.

Chair Nickels announced a supermajority of the Board was present and would now consider Resolution No. R2009-19.

Resolution No. R2009-19 – Amending the Adopted 2009 Budget

Public Comment

(Comments on file with Board Administration)

Will Knedlik
Robert Scheuerman

It was moved by Boardmember Butler and seconded by Boardmember Conlin that Resolution No. R2009-19 be approved as presented.

Brian McCartan, CFO, presented the staff report.

Joni Earl, CEO, stated that Resolution No. R2009-19 complies with the recommendations of the COP Operating Cost Task Force report.

Chair Nickels asked for a roll call vote.

	<u>Ayes</u>	<u>Nays</u>
Julie Anderson	Dave Enslow	Larry Phillips
Mary-Alyce Burleigh	Paula Hammond	Paul Roberts
Fred Butler	John Marchione	Claudia Thomas
Richard Conlin	Joe Marine	Peter von Reichbauer
Dow Constantine	Pat McCarthy	Greg Nickels

The motion to approve Resolution No. R2009-19 carried by the unanimous vote of the 15 Boardmembers present.

Discussion Item: D Street to M Street Track & Signal Project Update

(Boardmember Triplett arrived.)

Jim Edwards, Capital Projects Director, and Eric Beckman, Rail Program Manager, presented an update on the status of the D Street to M Street Track & Signal project (D to M), which has reached the 75% design stage. Board approval of Resolution No. R2009-19 allows Sound Transit to baseline D to M and begin construction in early 2010.

The Tacoma to Lakewood track is a Sound Move project to extend Sounder service from Freighthouse Square through South Tacoma to Lakewood Station. Other elements of D to M include the completed and operational Lakewood Station, the completed and operational South Tacoma Station, the seven miles of track and signal work for the M Street to Lakewood project, and the Lakewood layover track.

The 1.2-mile section of new track and right-of-way runs from D Street west of Freighthouse Square, along 26th Street and South Tacoma Way to M Street. In December 2007, based on an endorsement of the Tacoma City Council, the Board directed staff to proceed with a new alternative that includes a bridge overpass over Pacific Avenue and a new alignment requiring additional right-of-way. Estimated cost of the new alternative was \$151 million, nearly double the 2008 approved project budget of \$76 million. The Board directed staff to proceed with design and seek partnership funding. In the 2009 budget, the Board added \$25 million, leaving a shortfall of \$50 million to be funded by partners.

In January 2009, the Tacoma City Council considered the recommendations of an eight-month long citizen review effort, and forwarded its recommendations to Sound Transit for consideration. The Council endorsed Sound Transit's recommended gateway urban design concept and the earthen berm to support the track structure. In addition, the Council requested that Sound Transit build an open span and low profile bridge for the Pacific Avenue overpass, keep East A Street open to pedestrian traffic, keep South C Street open to all traffic, and consider a citizen-recommended post and beam concept where feasible. The citizen group that recommended the post and beam concept also requested that most of the project alignment be built on an elevated guideway. Due to issues of safety, security, cost, and operations, Sound Transit and City of Tacoma concur that Pacific and A Street crossings, and the B Street Gulch are the only locations along the alignment where an elevated structure is feasible. All of the Council's requests have been incorporated into D to M.

The remaining non-budget risks include property acquisition and City of Tacoma review. One property owner has refused to grant possession and use; a trial is scheduled in November 2009. Sound Transit is

seeking three agreements for approval by the Tacoma City Council, two establish reciprocal easement rights, and the third is the project development agreement.

The current cost estimate has increased by \$10 million from the 2007 estimate to \$161.6 million. Half of the increase is due to City of Tacoma requests, and the other half is due to other project elements. As the project moves toward the 90% design stage, recently developed value engineering recommendations will be incorporated. Staff anticipates that the value engineering recommendations will lead to some decrease in the project budget.

Grant funding has reduced the project deficit by \$28.5 million, leaving \$32 million in shortfall. Sound Transit is currently seeking additional funding through a \$34 million high-speed rail grant and anticipates feedback on the grant application prior to advertising the project.

Ms. Earl reported that some community organizations are seeking post and beam construction beneath I-705 for economic development purposes. In a letter to Sound Transit (on file with the Board Administrator), Boardmember Hammond affirmed WSDOT's position on development beneath I-705. She reported that she had personally examined the D to M site in person and could not see any means by which WSDOT could allow development of buildings beneath I-705 due to safety and security concerns. She agrees that the berm concept is the right concept for design and cost.

Rainier Valley Noise Mitigation

Ed Kronenberger, representing the Quiet Our Valley Coalition, presented Link-related noise issues in the Rainier Valley to the Board. He explained that residents expressed concerns with possible noise issues related to light rail trains at community meetings held prior to the construction of Central Link. Sound Transit responded to concerns citing new technology would lead to a quiet system.

On September 17, 2009, fifteen Rainier Valley residents met with Ahmad Fazel, Ron Lewis, James Irish, and Johnathan Jackson of Sound Transit to discuss specific noise issues and possible corrective actions and mitigation measures. Six identifiable noises related to Link were discussed. Staff has identified causes of four noises, and two of those have identified remedies. The projected target date to mitigate the noise issues is late 2009 or early 2010. Quiet Our Valley Coalition requested the results of the sound testing along the Rainier Valley alignment of Link and requested that Sound Transit expedite action on Link-related noise mitigation.

Ahmad Fazel, Link Light Rail Executive Director, and James Irish, Environmental Program Manager, detailed Sound Transit's response to noise concerns along the Link alignment. Sound Transit follows FTA impact criteria and analysis methods for all noise analysis. The Board has also adopted a Light Rail Noise Mitigation Policy. The Noise Mitigation Policy directs Sound Transit to mitigate noise impacts above the federal criteria and to mitigate those impacts at the source before considering external measures like sound walls and building insulation. The environmental review and design of the light rail initial segment included an analysis of noise levels based on other light rail systems. Sound Transit has insulated 135 homes, primarily in the Rainier Valley, and constructed over 5,000 feet of noise walls, primarily in Tukwila.

Sound Transit sent a post card to communities within 1,000 feet of the Link alignment in Tukwila and the Rainier Valley acknowledging awareness of the noise issues, and mentioning possible mitigation measures. Sound Transit staff committed to increasing public outreach at the September 17, 2009 meeting with Quiet Our Valley Coalition, including a monthly flyer or newsletter on noise-related progress.

Mr. Irish reviewed the identified noises including wheel squeal, crossover track noise, and safety bells on trains and at pedestrian crossings. Methods that could be used to remedy the noises include lubrication to address wheel squeal, modifying tracks to reduce crossover track noises and reducing the volume of the safety bells. Permanent lubrication applicators are expected to mitigate the wheel squeal and will be implemented late 2009 or early 2010. The track crossover modifications will be implemented in the same timeframe. Staff is looking at various ways to expedite the procurement and ordering processes. Sound Transit policy and FTA guidelines mandate procurement through competitive means. If only one source available, then a sole source acquisition can be made after a sole source justification. If the cost is over

\$200,000, then the Board approval is required. Boardmembers asked if the Board could do anything to help expedite the procurement. Ms. Earl replied that the Board could take action to declare a health-related emergency, which would suspend the procurement limits. Chair Nickels asked staff to draft a motion for consideration later in the meeting.

Sound Transit has already reduced the volume level on the trains by 5 to 8 decibels, and the City of Seattle has lowered the volume of the pedestrian crossing signals. Sound Transit is examining whether the volume can be lowered further, but it cannot be done if it compromises the safety of the system.

General train noise and a high frequency train noises were also experienced and are louder in some areas than predicted. These issues are most evident in Tukwila and additional noise walls and/or building insulation may be required. The cause of the high frequency noise from the train has yet to be identified. The trains have been tested at the Operations and Maintenance Facility, but need to be tested on the alignment. Sound Transit staff will continue to work on finding a resolution.

Public Comment

(Comments on file with Board Administration)

Susan Fairo
Libby Clark

Action Items

Voucher Certification for August 16, 2009 through August 31, 2009

It was moved by Vice Chair Thomas, seconded by Boardmember Burleigh, and carried by the unanimous vote of all Boardmembers present that the Voucher Certification for August 16, 2009 through August 31, 2009 be approved as presented.

Motion No. M2009-77 – Authorizing the chief executive officer to execute a funding and cooperative agreement with the City of Seattle for the First Hill Link Connector Project

Greg Walker, Policy and Planning Officer, presented the staff report.

Public Comment

(Comments on file with Board Administration)

Paul W. Locke

It was moved by Boardmember Roberts, seconded by Boardmember Burleigh, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-77 be approved as presented.

Motion No. M2009-82 – Authorizing the chief executive officer to execute a contract with Bayley Construction Company to provide construction services for the Kirkland Transit Center/3rd Project in the amount of \$5,976,179, with a 10% contingency of \$597,618, for a total authorized contract amount not to exceed \$6,573,797

It was moved by Boardmember Butler, seconded by Boardmember Burleigh, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-82 be approved as presented.

Motion No. M2009-81 – Authorizing the chief executive officer to provide funding for the construction phase of the SR 522 HOV Enhancement Project pursuant to the 2006 agreement with the City of Bothell in the amount of \$5,290,362, for a total authorized amount not to exceed \$7,735,906

It was moved by Boardmember Butler, seconded by Boardmember Burleigh, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-81 be approved as presented.

Chair Nickels announced that the motion he asked staff to draft to allow expedited procurements related to Link noise issues was ready for Board consideration.

Motion No. M2009-88 – Declaring an emergency and authorizing the chief executive officer to execute contracts exceeding, if necessary, \$200,000 but not exceeding \$1,000,000 in aggregate, either by competitive procurement or sole source, to procure the equipment and services necessary to reduce Link light rail noise levels with respect to the issues of wheel squeal on curves and crossover track switches as described to the Board in a briefing on September 24, 2009

Desmond Brown, General Counsel, stated that Motion No. M2009-88 does not contain an end date, rather under Resolution No. R78-1, this action is contract specific and requires the CEO to report to the Board the amounts, purposes, and results of the contracts.

It was moved by Boardmember Roberts, seconded by Boardmember Anderson, and carried by the unanimous vote of all Boardmembers present that Motion No. M2009-88 be approved as presented.

Executive Session

At 3:47 p.m., Chair Nickels announced that the Board would convene a 30-minute executive session. Desmond Brown, Executive Director General Counsel, announced that the executive session is authorized under RCW 42.30.110 subsection (1)(b) to discuss real estate and site selection.

Chair Nickels reconvened the meeting at 4:17 p.m.

Other Business

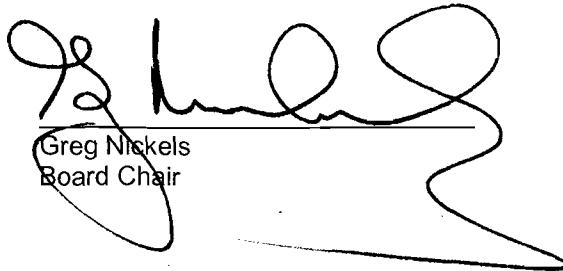
None.

Next Meeting

Thursday October 8, 2009
1:30 to 4:00 p.m.
Ruth Fisher Boardroom


Adjourn

The meeting was adjourned at 4:18 p.m.



Greg Nickels
Board Chair

ATTEST:


Marcia Walker
Board Administrator